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6 IN THE UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 HUGO VILLA GOMEZ ET AL.,

13 Defendants.

CASE NO. 1:22-CR-00197-JLT-SKO

STIPULATION TO CONTINUE STATUS
CONFERENCE AND ORDER

Date: January 18, 2023

Time: 1:00 p.m.

Honorable Sheila K. Oberto

14

15 **STIPULATION**

16 This case is set for a status conference on January 18, 2023, which the parties stipulate to
17 continue to May 17, 2023, for the reasons set forth below.

- 18 1. A large volume of discovery in this case had been provided, including voluminous
19 investigative reports, recorded meetings, video and audio surveillance recordings,
20 photographs, and other documents and electronic evidence.
- 21 2. Defense counsel requires additional time to review the discovery, to conduct additional
22 investigation and legal research, and to confer with his client about how to proceed in this
23 case.
- 24 3. The proposed status conference date represents the earliest date that all counsel are available
25 thereafter, taking into account counsels' schedules, defense counsels' commitments to other
26 clients, and the need for preparation in the case and further investigation.
- 27 4. In addition, the public health concerns cited by General Order 611, 612, 617, 618, 620, 635,
28 640, and subsequent orders and presented by the evolving COVID-19 pandemic, an ends-of-

justice delay is particularly apt in this case because counsel or other relevant individuals have been encouraged to telework and minimize personal contact to the greatest extent possible. It will be difficult to avoid personal contact should the hearing proceed and it is difficult for defense counsel to meet with their clients and review discovery. Finally, at to Serafin VIGIL, exclusion of time is particularly appropriate because he is not detained pending trial.

The parties further believe that time should be excluded, in that failure to grant the requested case schedule would unreasonably deny the defendants continuity of counsel, and unreasonably deny both the defendants and the government the reasonable time necessary for effective preparation, taking into account the parties' due diligence in prosecuting this case. 18 U.S.C. Section 3161(h)(7)(B)(iv).

Based on the above-stated findings, the ends of justice served by the schedule as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act. Therefore, the parties request that the Court exclude the time from January 18, 2023, until the new status conference date on May 17, 2023, from calculations under the Speedy Trial Act.

IT IS SO STIPULATED.

Dated: January 9, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: October 9, 2022

/s/ Kevin Rooney
Attorney for Defendant
Serafin Villa Gomez Vigil

Dated: October 9, 2022

/s/ David Torres
Attorney for Defendant
Hugo Villa Gomez

ORDER

IT IS HEREBY ORDERED that the status conference in this case be continued from January 18, 2023, until May 17, 2023, at 1:00 p.m.

IT IS FURTHER ORDERED THAT the ends of justice served by the schedule set forth herein as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act for the reasons stated in the parties' stipulation. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 18, 2023, and May 17, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial

IT IS SO ORDERED.

DATED: 1/9/2022

Sheila K. Oberto
HONORABLE SHEILA K. OBERTO
United States Magistrate Judge